IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRI.MISC. APPLICATION NO. 1872 OF 2004

IN
Cri. Application No. 4007/2000

Shri A.B. Anand & Anr. .. Petitioners.

V/s.

The State of Maharashtra & Anr. .. Respondents.

Shri Sajal Biswas for Petitioners/ Applicants.
Shri R.Y. Mirja, APP for State.
Shri Ganesh Gole for Respondent No.2.

CORAM : A.M.KHANWILKAR, J.
DATED : 23.11.2004

PC :-

. Heard the counsel for the parties.

2. By this application, the Applicants seek clarification that the interim order passed by this court on 18th December, 2000 stands vacated on 21st December, 2003.

3. Indeed, on 18th December, 2000, this court passed interim order but the said order was subsequently modified by order dated 21st November, 2003 after hearing the parties. On that date, this

court not only admitted the petition but also granted interim stay during the pendency of the petition on certain conditions.

4. Grievance is made before this court that the condition stated in the order dated 21st November, 2003 has not been complied by the Applicants in the main Application No. 4007/2000. It is seen that the order dated 21st November, 2003 is a self operative order. If the condition has not been complied with, obviously there will be no interim order in the application No 4007/2000. Suffice it to observe that the order dated 18th December, 2000 stands modified by order dated 21st November, 2003, which is the limited clarification sought in this application. The application is disposed of on the above terms.

5. At this stage, Shri Gole contends that there is sufficient cause for not complying with the condition stipulated in the order dated 21st November, 2003. However, it is not necessary for me to go into the question regarding inability of complying with the conditions stipulated in the order dated 21st November, 2003. As mentioned earlier the said order was self operative order. If the condition was not

complied with, the interim relief as granted under that order would stand vacated forthwith without further reference to the court. Shri Gole fairly accepts that no application has been filed so far by his client for appropriate relief for continuation of the interim order, which was passed on 21st November, 2003. If such application is filed that will be considered on its own merits as and when occasion arise.

6. Ordered accordingly.

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